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*Counsel to Hickory Ridge Pavilion LLC*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
RICHMOND DIVISION**

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In re:

CIRCUIT CITY STORES, INC., <i>et al.</i> ,	Case No. 08-35653-KRH
Debtors.	Chapter 11
	Jointly Administered

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**RESPONSE AND OPPOSITION TO LIQUIDATING TRUST'S NINTH  
OMNIBUS OBJECTION TO LANDLORD CLAIMS SEEKING TO AMEND  
CLAIM 9247 FILED BY HICKORY RIDGE PAVILLION LLC**

Hickory Ridge Pavilion LLC ("Hickory Ridge"), by counsel, having filed a proof of claim identified and included in the above captioned *Liquidating Trust's Ninth Omnibus Objection to Landlord Claims* (the "Objection"), does hereby oppose and respond, as set forth below:

1. Circuit City Stores, Inc. and certain of its affiliated entities (collectively, "Debtors") filed a petition for relief on or about November 10, 2008 ("Petition Date"). After the Petition Date, Debtors continued to be in possession of and to operate their business.

2. On or about January 30, 2009, Hickory Ridge filed a proof of claim, number 9247 (the "Hickory Ridge Claim") setting forth a general unsecured claim in the amount of \$117,460.00 representing sums due under the Debtor's lease with Hickory

Ridge pre-petition *plus* rejection damages pursuant to 11 U.S.C. § 502(b)(6). A copy of the Hickory Ridge Claim is attached as **Exhibit A**.

3. The Objection seeks to allow only the pre-petition amounts due under the Hickory Ridge lease and disallow the statutory rejection damages. The Debtors have provided no basis for disallowance of lease rejection damages which are specifically provided for under the Bankruptcy Code.

4. Based on the above, the Objection should be denied, without further expense, time and effort to the claimant and to the estates of these Debtors.

**WHEREFORE**, Hickory Ridge respectfully requests that this Court deny the relief requested in the Objection as it relates to the Hickory Ridge claim in its entirety; and grant such other and further relief as is just and proper.

Dated: Richmond, Virginia  
April 7, 2011

Respectfully submitted,

/s/ Kimberly A. Pierro

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*Counsel to Hickory Ridge Pavilion LLC*

**CERTIFICATE OF SERVICE**

I hereby certify under penalty of perjury that on April 7, 2011, a true and exact copy of the foregoing was served via ECF notification to the following:

Jeffrey N. Pomerantz, Esq.  
Andrew W. Caine, Esq.  
Pachulski Stang Ziehl & Jones LLP  
10100 Santa Monica Boulevard  
Los Angeles, CA 90067-4100

Lynn L. Tavenner, Esq.  
Paula S. Beran, Esq.  
Tavenner & Beran, PLC  
20 North Eighth Street, 2<sup>nd</sup> Floor  
Richmond, VA 23219

/s/ Kimberly A. Pierro  
Counsel

**DECLARATION**

I declare under penalty of perjury and pursuant to 28 U.S.C. § 1746 that to the best of my knowledge the foregoing is true and correct.

Dated: April 7, 2011

**HICKORY RIDGE PAVILION LLC**

By: Benton E. Kraner  
Name: Benton E. Kraner  
Title: Senior Vice President

## B 10 (Official Form 10) (12/07)

UNITED STATES BANKRUPTCY COURT FOR THE EASTERN DISTRICT OF VIRGINIA

## PROOF OF CLAIM

Debtor against which claim is asserted : (Check only one box below:)	
<input checked="" type="checkbox"/> Circuit City Stores, Inc. (Case No. 08-35653)	<input type="checkbox"/> CC Distribution Company of Virginia, Inc. (Case No. 08-35659)
<input type="checkbox"/> Circuit City Stores West Coast, Inc. (Case No. 08-35654)	<input type="checkbox"/> Circuit City Stores PR, LLC (Case No. 08-35660)
<input type="checkbox"/> InterTAN, Inc. (Case No. 08-35655)	<input type="checkbox"/> Circuit City Properties, LLC (Case No. 08-35661)
<input type="checkbox"/> Ventoux International, Inc. (Case No. 08-35656)	<input type="checkbox"/> Orbyx Electronics, LLC (Case No. 08-35662)
<input type="checkbox"/> Circuit City Purchasing Company, LLC (Case No. 08-35657)	<input type="checkbox"/> Kinzer Technology, LLC (Case No. 08-35663)
<input type="checkbox"/> CC Aviation, LLC (Case No. 08-35658)	<input type="checkbox"/> Courchevel, LLC (Case No. 08-35664)
<small>NOTE: This form should not be used to make a claim for administrative expenses arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503(a).</small>	

Name of Creditor (the person or other entity to whom the debtor owes money or property):

HICKORY RIDGE PAVILION LLC

Name and address where notices should be sent:

NameID: 4512202

PackID: 196052

HICKORY RIDGE PAVILION LLC  
Legal Department  
1800 Moler Road  
COLUMBUS, OH 43207

Telephone number: (614) 449-4831

Name and address where payment should be sent (if different from above):

Telephone number:

1. Amount of Claim as of Date Case Filed: \$ 117,460.00

If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.

If all or part of your claim is entitled to priority, complete item 5.

 Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.2. Basis for Claim: pre-petition rent & 11 U.S.C. (b) (6)  
(See instruction #2 on reverse side.)

3. Last four digits of any number by which creditor identifies debtor:

3a. Debtor may have scheduled account as: \_\_\_\_\_  
(See instruction #3a on reverse side.)

4. Secured Claim (See instruction #4 on reverse side.)

Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.

Nature of property or right of setoff:  Real Estate  Motor Vehicle  Other

Describe:

Value of Property: \$ \_\_\_\_\_ Annual Interest Rate %

Amount of arrearage and other charges as of time case filed included in secured claim,

If any: \$ \_\_\_\_\_ Basis for perfection: \_\_\_\_\_

Amount of Secured Claim: \$ \_\_\_\_\_ Amount Unsecured: \$ \_\_\_\_\_

6. Credits: The amount of all payments on this claim has been credited for the purpose of making this proof of claim.

7. Documents: Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements or running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See definition of "redacted" on reverse side.)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

Date: 1/29/09

Signature: the person filing this claim must sign it. Sign and print name and title, if any, of the creditor or other person authorized to file this claim and state address and telephone number if different from the notice address above. Attach copy of power of attorney, if any.

Kimberly A. Pierro, Counsel for Hickory Ridge Pavilion LLC

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.

RECEIVED  
JAN 30 2009  
KURTZMANCARSONCONSULTANTS



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EXHIBIT

A